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CHARLES ELMORE CR

IN THE

Supreme Court of The United States

OCTOBER TERM, 1930.

CENTRAL STATE BANK,
Petitioner,

vs.

J. M. STEWART, et al.,
Respondents.

No. 16

MOTION FOR SUBSTITUTION OF PARTIES RESPONDENT.

J. G. GAMBLE,
A. B. HOWLAND,
Des Moines, Iowa,
Counsel for Petitioner.

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vs.

J. M. STEWART, et al.,
Respondents.

MOTION FOR SUBSTITUTION OF PARTIES RESPONDENT.

The petitioner respectfully states and shows the Court:

That this is an action against the respondents as members of the Board of Supervisors of Polk County, Iowa, seeking a refund of taxes erroneously and illegally exacted of petitioner in violation of the Constitution and laws of the United States. That on March 16th, 1931 this Court granted a writ of certiorari to review the decision and judgment of the Supreme Court of Iowa denying to petitioner the relief sought.

That at all times while the cause was pending before the Iowa Supreme Court, the Board of Supervisors of Polk County, Iowa, consisted of J. M. Stewart, Chairman, E. R. Bennett, C. F. Keeling, C. W. Keller and Frank E. Thornton; that the term of office of the respondent Keeling expired on January 2, 1931, and on said date he was succeeded by Ben B. Dewey; that all of the other respondents continued in office or were re-elected to succeed themselves.

That the members of the County Board of Supervisors, under the laws of Iowa, choose a chairman from among their own number; that on or about the second day of January, 1931, the respondent, E. R. Bennett was chosen as chairman of the Board of Supervisors of Polk County, Iowa, and succeeded the respondent J. M. Stewart in that capacity.

This motion for substitution is made under the terms of Section 11 of the Act of February 13, 1925, and Rule 19 paragraph 4 of the Rules of this Court.

The petitioner moves the Court for an order substituting Ben B. Dewey as respondent as the successor in office of the respondent, C. F. Keeling, and substituting E. R. Bennett as chairman of the Board of Supervisors of Polk County, Iowa, in place of the respondent Stewart.

J. G. GAMBLE,
A. B. HOWLAND,
Counsel for Petitioner.